

B¹ 24. (new) The pickup as recited in claim 23, wherein at least one magnetic pole piece extends from above the upper coil to the lower coil.

REMARKS

This is a response to the Final Office Action mailed October 4, 2001. In that Final Office Action, the Examiner rejected claims 2-21 under 35 U.S.C. § 102(e) as being met by Kinman; and rejected claims 2-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent Number 6,291,759.

Claims 2-21 have been cancelled from this patent application. Proposed new claims 22-24 are provided herein.

The subject patent application is a continuation patent application of United States Serial Number 09/014,839 now issued as United States Patent 6,291,758. The '758 patent recites "a single, uniformly flat non-magnetized ferromagnetic plate" in independent claim 1 (the only independent claim in this issue patent). Applicant believes that no such single, uniformly flat non-magnetized ferromagnetic plate is either disclosed or made obvious by Kenman.

It is worthwhile to note that during the prosecution of the parent '839 application, the following statement, *inter alia*, was made in the remarks of the amendment filed on March 5, 2001:

"Kenman is not understood to disclose or suggest any of the foregoing, and particularly does not disclose or suggest a single, uniformly flat, non-magnetized, ferromagnetic plate, completely disposed between upper and lower bobbins as specifically required by independent claims 1, 7, 14, 21 and 28." (page 4, third paragraph).

After filing of the amendment dated March 5, 2001, the Examiner rendered an Advisory Action which states that "Kinman has been removed against claims 1-13 under 35 U.S.C. 102."

A Notice of Appeal is being filed concurrently herewith.